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November 12, 2014

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

#12 OF NOVEMBER 12, 2014

Agenda No. 4
09/23/14

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**Re: PROJECT NUMBER R2013-00317-(4)
CONDITIONAL USE PERMIT NUMBER 2013-00021-(4)
PARKING PERMIT NUMBER 2013-00009-(4)
FOURTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously held a duly-noticed public hearing on the above-referenced permits which relate to a proposed residential condominium development of 91 detached units on 13.86 gross acres, located on First Avenue and Candlelight Drive, in the unincorporated community of East La Mirada. At the conclusion of the hearing, you indicated an intent to approve the permits, and instructed our office to prepare findings and conditions for your consideration.

Enclosed are findings and conditions for your consideration.

Very truly yours,
MARK J. SALADINO
County Counsel

By

Elaine M. Lemke
ELAINE M. LEMKE
Principal Deputy County Counsel

APPROVED AND RELEASED:

Thomas J. Faughnan
THOMAS J. FAUGHNAN
Senior Assistant County Counsel

EML:vn

Enclosures

c: William T Fujioka, Chief Executive Officer
Sachi A. Hamai, Executive Officer, Board of Supervisors
Richard J. Bruckner, Director, Department of Regional Planning

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NUMBER R2013-00317-(4)
CONDITIONAL USE PERMIT NUMBER 2013-00021-(4)
PARKING PERMIT NUMBER 2013-00009-(4)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing on September 23, 2014, in the matter of Project No. R2013-00317-(4), which included Conditional Use Permit No. 2013-00021-(4) ("CUP") and Parking Permit No. 2013-00009-(4) ("Parking Permit"). (The CUP and Parking Permit are referred to collectively as the "Project Permits.") The Project Permits were heard concurrently with Vesting Tentative Tract Map No. 072216-(4) ("Vesting Map") and Zone Change No. 2013-00002-(4) ("Zone Change"). The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the Project Permits, Vesting Map, and Zone Change (collectively the "Project") on July 30, 2014.
2. The permittee, Brookfield Homes ("Permittee"), requests the Project Permits to authorize the development of a new residential condominium development consisting of 91 detached dwelling units, a community park, and other recreational amenities on a property located at the intersection of First Avenue and Candlelight Drive in the unincorporated community of East La Mirada in the Southeast Whittier Zoned District ("Project Site").
3. The CUP is a request to authorize development within the Residential Planned Development ("RPD") and Development Program ("DP") zones, pursuant to Los Angeles County Code ("County Code") sections 22.20.460, 22.40.070, and 22.56.040.
4. The Parking Permit is a request to authorize parking stalls at the Project Site with widths of eight feet within the internal streets and driveways, a width less than what is typically required.
5. The related Vesting Map is a request to subdivide two lots into 17 multi-family lots with 91 detached residential condominium units, seven private open space lots, and one private street lot.
6. The related Zone Change a related request to change the Project Site's zoning from Zone A-1-7,000 (Light Agricultural-7,000 Square Foot Minimum Lot Size) to Zone RPD-8.3U-DP (Residential Planned Development-8.3 Dwelling Units Per Acre-Development Program). The -DP overlay zone will ensure that development occurring after rezoning will conform to the approved plans and be compatible with the surrounding area.
7. The approval of the Project Permits and Vesting Map will not become effective unless and until the Board has adopted the Zone Change, and it has become effective.

8. The Project Site is 13.86 gross (10.99 net) acres in size and consists of two legal lots. The Project Site is rectangular in shape with flat to sloping topography and is developed with an athletic field and a parking lot.
9. The Project Site is located in the Southeast Whittier Zoned District and is currently zoned A-1-7,000.
10. The Project Site is located within the P (Public Facilities) land use category of the Countywide General ("General Plan") Plan Land Use Policy Map.
11. Surrounding zoning within a 500-foot radius for the Project Site includes:
 - North: A-1-7,000;
 - South: R-A-6,200 (Residential-Agricultural-6,200 Square Foot Minimum Required Lot Area);
 - East: R-A-6,200; and
 - West: R-A-6,000 (Residential-Agricultural-6,000 Square Foot Minimum Required Lot Area).
12. Surrounding land uses within a 500-foot radius for the Project Site include:
 - North: A 23-acre chiropractic college campus;
 - South: Single-family residences;
 - East: Single-family residences and a middle school; and
 - West: Single-family residences.
13. The 13.86-acre Project Site was formerly a portion of the northerly-adjacent chiropractic college (The Southern California University of Health Sciences—SCUHS). On December 27, 2011, the Department of Regional Planning ("Regional Planning") approved a Lot Line Adjustment (LLA – No. 2011-00020-4)) between SCUHS and the Permittee, reducing the chiropractic college campus area from 37 acres to 23 acres and allowing the Project Site to be re-developed.
14. The site plan for the Project depicts a residential condominium development of 91 detached dwelling units dispersed throughout the "L"-shaped Project Site on a total of 17 multi-family lots. The dwelling units are generally located in a "six-pack" configuration on one multi-family lot and arranged around a common driveway for both vehicle (garage) and pedestrian (front door) access.
15. The Project Site is accessed by First Avenue (a secondary highway) to the west and Candlelight Drive to the south. Primary vehicular access into the development occurs just north of the intersection of Candlelight Drive and Cullman Avenue located along the southerly border of the Project Site. This main entry, "A" Court, is the only vehicular entry into the development. "A" Court is un-gated and contains a landscaped median. Internal vehicle circulation is provided via a system of private streets and driveways varying in paved width from 24 to 46 feet. Internal private streets ("A" Court, "B" Court, and "C" Court)

all contain five-foot wide sidewalks with landscaped parkways along the curb, containing tree plantings every 25-50 feet for shade. In addition to the main ("A" Court) entry, there are three other locations in which pedestrians may freely enter and exit the development: two 30-foot wide "paseos" (public pedestrian walkways) located along Candlelight Drive near the southeasterly side of the Project Site; and a stairway located at the far westerly terminus of "B" Court which connects to First Avenue.

16. A total of 256 parking spaces will be provided on-site. These consist of 182 covered spaces in a garage structure and 71 uncovered, parallel street parking. The parallel parking spaces will be provided along the private streets to accommodate guests. Each dwelling unit will contain an attached two-car garage for required resident/homeowner parking, accessed from a common driveway shared by up to six dwelling units. One disable parking space will be located on "B" Court in front of the community park. There will be no parking lots or other parking facilities located on-site.
17. The Project will contain recreational and other amenities. The primary amenity of the development, a 0.56-acre community park, will be located immediately east of "A" Court. The community park will be divided into two portions. The northern portion will be for subdivision residents and guests and the southern portion will be open to the public. The northern portion will contain a pool, courtyard, an event room, and a barbecue area. The southern portion will contain a shaded grass area with several benches. The community park will be visible from the nearby public street and will be directly accessed by the public without entering the development. Other development features will include a community garden located along "C" Court in the northwesterly area of the Project Site, and a tot lot (small children's playground) located at the far easterly terminus of "B" Court.
18. Along Candlelight Drive, dwelling units will be oriented such that the front of these units will face the street, with their pedestrian entries directly connected to the public sidewalk. Vehicle garages for these units will be located at the back of the unit and will not be visible from Candlelight Drive. Along First Avenue, where there is a sizeable elevation difference (approximately 10-12 feet) from the street to the Project Site, dwelling units will be oriented with their fronts facing away from the street, with a retaining wall and fence separating their back yards from a landscaped slope that runs along the First Avenue sidewalk. The dwelling units will range in size from three to five bedrooms (2,250 to 3,750 square feet); all will be two stories in height, reaching a maximum height of approximately 30 feet. The dwelling units will be dispersed throughout the Project Site in an even distribution of "Farmhouse," "Craftsman," and "Spanish" architectural styles.
19. Due to changes in site elevation on the Project Site, several retaining walls and combination block-retaining walls will be located along the perimeter of the Project Site, mainly along the northern border adjacent to the chiropractic college, and along First Avenue. Combination block and retaining walls will vary from one to eight feet in height, with the highest walls to be located in the north

(within the dwelling unit rear yards) next to the chiropractic college. A combination of masonry walls and wrought iron fences are proposed throughout the development to divide front, side, and rear yards between the dwelling units. No front yard wall or fence will rise higher than 42 inches, with side and rear yard walls/fences not to exceed a maximum of six feet.

20. The Project will provide a total of 3.41 acres of open space, or approximately 31 percent of the net acreage of the Project Site. The open space will be provided according to the following:

Open Space Format	Acres	Description
Separate Homeowners Association-Maintained Lots	1.43	Community park, community garden, tot lot, paseos, landscaped slopes
Private Street Parkways	0.98	Four- to seven-foot-wide landscape strips adjacent to the street curb containing grass and tree plantings
Front Yard Space on Multi-Family Lots	1.00	Grass, drought-tolerant trees and shrubs; various plants and flowers
Total	3.41	31 percent of net project area

21. A total of 20,995 cubic yards each of cut and fill material is proposed, for a combined total of 41,990 cubic yards of earthwork to be balanced on-site (no import or export of dirt).
22. Prior to the Commission's public hearing in 2012, the Permittee met with the community to explain the Project and obtain feedback from neighborhood residents. Also in 2012, the Permittee consulted with Regional Planning staff and attended a one-stop meeting to discuss the conceptual Project and its design. This consultation resulted in several changes to the Project design. Significant among these changes included:
- A. Changing the gated street entryway into the development to ungated.
 - B. Adding recreational amenities, including a one-half acre community park, of which a portion is accessible to the public.
 - C. Re-orienting proposed dwelling units along Candlelight Drive, so the front of each of these dwelling units faces the street.
 - D. Including pedestrian access ways into the development at Candlelight Drive and First Avenue that connect to the abutting public sidewalks.
23. The County Departments of Public Works ("Public Works"), Fire ("Fire"), Parks and Recreation ("Parks and Recreation"), and Public Health ("Public Health") recommend approval of this Project and recommended conditions of approval, which are all included in the Project's conditions.

24. Prior to the Commission's public hearing on the Project, an Initial Study was prepared for the Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, Regional Planning staff determined that a Mitigated Negative Declaration ("MND") was the appropriate environmental document for the Project. Prior to the release of the Initial Study and proposed MND for public review, the Permittee made or agreed to revisions to the Project or to implement mitigation measures that would avoid the effects or mitigate the Project's environmental effects to a level of less than significant. The mitigation measures necessary to ensure the Project will not have a significant effect on the environment are contained in the Mitigation Monitoring and Reporting Program ("MMRP") prepared for the Project.
25. Prior to the Commission's public hearing, Regional Planning staff received one phone call and one email from different residents with concerns about the Project related to the amount of recreation space in the surrounding community, and the proper posting of the hearing signs. No other correspondence was received from the public regarding the Project.
26. The Commission held a duly-noticed public hearing on the Project Permits, Vesting Map, and Zone Change on July 30, 2014. At the Commission's hearing, Regional Planning staff presented the Project and staff's recommendations. Public testimony was given in support of, and in opposition to, the Project. The Permittee testified that the Project will exceed the County's parking requirements and will include a community park with a portion open to the public. Additionally, the Permittee testified that after holding 10 community meetings, it learned that most neighboring residents supported the Project, and that most favored front doors facing Candlelight Drive, curb-separated sidewalks, and detached, rather than attached, homes. With regard to a height concern of the proposed dwellings, the Permittee also testified that there are two-story homes already existing in the surrounding neighborhood.
27. At the Commission hearing, three people testified in opposition to the Project. They identified concerns relating to, among other things, loss of community open space and recreation area, the Project's density, the height of the dwelling units, and traffic.
28. In response to these concerns, the Permittee testified during rebuttal that: the Project supplies more than the required open space on the Project Site, some of which will be available to the public for recreation; the proposed dwelling units are single-family detached homes that will be of similar size to existing surrounding homes; the Permittee will contribute to the installation of a new traffic signal and the Project will not cause any significant traffic impacts nor create unsafe traffic conditions; and that 10 community meetings were conducted prior to the public hearing.

29. With respect to the height of the proposed two-story residences, Regional Planning staff stated in its presentation that the building height restrictions found in the surrounding community, which a 35-foot maximum allowing up to three stories for a dwelling, also applied to the Project. The dwelling units comply with that height limitation and will be limited to two stories.
30. During the July 30, 2014 Commission public hearing, the Commission discussed parking, open space, and privacy issues with respect to window locations.
31. After hearing all testimony, the Commission closed the public hearing, adopted the MND and MMRP, approved the Project Permits and related Vesting Map, and recommended adoption of the Zone Change to the Board. Pursuant to section 22.60.230(B)(2) of the County Code, because the Project approvals included the Zone Change, the Project Permits and Vesting Map were called up for review by the Board concurrently with the consideration of the proposed Zone Change.
32. At the Board's September 23, 2014 public hearing on the Project, Regional Planning staff briefly explained the Project and conveyed the Commission's recommendation for approval of the Zone Change and its approval of the Project Permits and Vesting Map. Six individuals testified regarding the Project including a representative of the Permittee, a representative of the adjacent SCUHS, three neighborhood residents, and a County resident. All but the County resident testified in support of the Project. The County resident did not indicate support for nor opposition to the Project. All three neighborhood residents testified that they believed the Project would increase values of existing neighborhood properties. In addition, the testimony commended the community outreach by the Permittee, and favored the proposed use as an improvement to the current use.
33. The Board finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the Southeast Whittier/East La Mirada community. On June 26, 2014, a total of 213 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as to those on the courtesy mailing list for the Southeast Whittier Zoned District, and to any additional interested parties.
34. The Board finds that the Project is consistent with the General Plan because the proposed land use, density, and design of the Project are consistent with the existing land use designation and are compatible with the surrounding community. The Board also finds that the Project is consistent with the applicable elements and policies of the General Plan because the Project provides new housing on a vacant portion of urban infill land; provides sufficient recreational amenities to benefit the Project and the surrounding community; and

is designed in an attractive manner that will enhance the aesthetic character of the area.

35. The Board finds that the Project is consistent with its proposed zoning designation because the proposed designation will allow the necessary building heights, setbacks, parking, landscaping, and other related standards of the Project to be developed in compliance with the Zoning Code.
36. The Board finds that the Permittee is subject to payment of the California Department of Fish and Wildlife fees related to the Project's effect on wildlife resources pursuant to section 711.4 of the California Fish and Game Code.
37. The Board finds that the MMRP, prepared in conjunction with the MND, identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment from the Project. The Board further finds that the MMRP's requirements are incorporated into the conditions of approval for the Project, and that approval of the Project is conditioned on the Permittee's compliance with the attached conditions of approval and MMRP, which is adequately designed to ensure compliance with the mitigation measures during Project implementation.
38. After consideration of the MND and MMRP, together with the comments received during the public review process, the Board finds on the basis of the whole record before it that there is no substantial evidence that the Project as conditioned will have a significant effect on the environment, and further finds that the MND reflects the independent judgment and analysis of the Board.
39. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan. The Project will implement the relevant Goals and Policies of the General Plan through the CUP, Parking Permit, Vesting Map, and Zone Change, which allow the orderly development and regulation of the proposed use.
- B. The proposed use at the site will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare. The proposed use, detached residential dwelling units with associated

recreational amenities, is compatible with surrounding land uses and thus does not create any adverse impacts or material detriments, nor constitute a public menace.

- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Title 22, or as is otherwise required to integrate said use with the uses in the surrounding area. The Project Permit will ensure that the site is appropriately developed in compliance with the Zoning Code.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required. The site is served by two existing public roadways, First Avenue and Candlelight Drive, both of which are of sufficient width and improvement to accommodate additional traffic created by the Project. Further, traffic-related mitigation measures have been included as part of the MND and MMRP.
- E. The Permittee has met the burden of proof set forth in section 22.56.1020. No reduction in the number of parking spaces is proposed, and the Project will exceed Zoning Code parking requirements. There is no need for special parking arrangements or sharing of facilities because all required parking will be contained within the Project. The request for reduced-width guest parking stalls of eight feet is sufficient for "on-street" parallel parking within the Project because it allows for sufficient emergency access for the Fire Department and will not implement impractical parking stall dimensions that would result in an inability to park vehicles. No off-site parking facilities, rear-lot transitional parking, or uncovered residential parking lots are proposed. Because the Project contains more than the required number of parking spaces, no additional traffic congestion, excessive off-site parking or unauthorized use of adjacent off-site parking facilities will result. The proposed site is adequate in size and shape to accommodate all the remaining development features required for parking, such as covered resident parking, accessible parking, access, back-up space, and parking stall dimension length.
- F. No written protest to the proposed Parking Permit was received within 14 calendar days following the date on the notice for the Parking Permit pursuant to section 22.56.1050.

THEREFORE, THE BOARD:

1. Certifies that the MND for the Project was completed in compliance with CEQA and the State and County CEQA Guidelines related thereto; certifies that it independently reviewed and considered the MND and that the MND reflects the independent judgment and analysis of Board as to the environmental consequences of the Project; certifies that it considered the MMRP, finding that it is adequately designed to ensure compliance with the mitigation measures

during Project implementation; determines that on the basis of the whole record before the Board that there is no substantial evidence that the Project as conditioned will have a significant effect on the environment; and certifies that it adopted the MND and MMRP at the close of its public hearing on the Project; and

2. Approves Conditional Use Permit No. 2013-00021-(4) and Parking Permit No. 2013-00009-(4), subject to the attached conditions.

**CONDITIONS OF APPROVAL
PROJECT NUMBER R2013-00317-(4)
CONDITIONAL USE PERMIT NUMBER 2013-00021-(4)
PARKING PERMIT NUMBER 2013-00009-(4)**

1. This grant authorizes the development of a new residential condominium project consisting of 91 detached dwelling units, a community park, and other recreational amenities.
2. Unless otherwise apparent from the context, the term "Permittee" shall include the permittee, owner of the property, and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the Permittee, and the owner of the subject property if other than the Permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 12, and 15. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, 9, and 12 shall be effective immediately upon the date of final approval of this grant by the County.
4. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to section 22.60.260 of the County Code ("County Code").
5. The Permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the Permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
6. In the event that any claim, action, or proceeding as described above is filed against the County, the Permittee shall within 10 days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to Permittee or Permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the Permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the Permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code section 2.170.010.

7. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the Permittee, or the owner of the subject property if other than the Permittee, shall record the terms and conditions of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. This grant shall expire unless used within two years after the recordation of a final map for Vesting Tentative Tract Map No. 072216-(4). In the event that the tentative map should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the Permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The Permittee shall deposit with the County the sum of \$800. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the Permittee's compliance with the conditions of approval. The fund provides for four annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the Permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Prior to the issuance of any building permit(s), the permittee shall remit all applicable library facilities mitigation fees to the County Librarian, pursuant to Chapter 22.72 of the County Code. The Permittee shall pay the fees in effect at the time of payment, pursuant to section 22.72.030. Questions regarding fee payment can be directed to the County Librarian at (562) 940-8430. The Permittee shall provide proof of payment upon request from Regional Planning.
12. Within three days of the date of final approval of this grant, the Permittee shall remit processing fees payable to the County in connection with the filing and posting of a Notice of Determination ("NOD") for this project and its entitlements in compliance with section 21152 of the California Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to section 711.4 of the California Fish and Game Code, the Permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in section 711.4 of the California Fish and Game Code, currently \$2,256.25 (\$2,181.25 for a Negative Declaration or Mitigated Negative Declaration plus \$75 processing fee). No land use project subject to this requirement is final, vested, or operative until the fee is paid.
13. The Permittee shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), which are incorporated by this reference as if set forth fully herein.
14. Within 30 days of the date of final approval of this grant, the Permittee shall record a covenant and agreement, which attaches the MMRP and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the Recorder. Prior to recordation of the covenant, the Permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the Permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the Permittee's compliance with the required mitigation measures.
15. The Permittee shall deposit an initial sum of \$6,000 with Regional Planning within 30 days of the date of final approval of this grant to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP. The Permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.

16. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a hearing officer may, after conducting a public hearing, revoke or modify this grant if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13, of the County Code.
17. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
18. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
19. All development pursuant to this grant shall comply with the requirements of Title 22 of the Los Angeles County Code ("Title 22") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
20. The Permittee shall maintain the subject property in a neat and orderly fashion. The Permittee shall maintain free of litter all areas of the premises over which the Permittee has control.
21. All structures, walls, and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the development or its amenities or that do not provide pertinent information about the project site. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
22. In the event of graffiti or other extraneous markings occur, the Permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
23. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A."
24. The following Residential Planned Development (RPD) conditions shall apply:
 - A. When recreational buildings are proposed for the project, the distance between buildings (including dwelling units) shall not be less than 10 feet for one-story and two-story structures, plus two additional feet for each story above the second.

- B. Open space shall comprise not less than 30 percent of the overall project net area, provided, however, that where the Permittee submits evidence to the satisfaction of the Director that the particular development will contain compensatory characteristics which will provide as well or better for planned unit development consistent with the intent of section 22.20.460 of Title 22 of the County Code, the Director may modify said requirement. Open space considered located within private side and rear yard areas of a dwelling unit shall not be included in the required open space calculation.
 - C. Buildings in the project shall not occupy more than 50 percent of the project's net area, except that common recreational buildings are excluded from this building-coverage limitation.
 - D. The Director shall approve a progress schedule indicating the development of open-space related to the construction of residential dwelling units for the project. Where development is to be completed in phases, the development may, with the approval of the Director, be coordinated between phases as allowed by and guided by section 22.20.460.B.11 of Title 22. The Director, without a hearing, may modify this condition pertaining to the development schedule based upon an affirmative showing, in writing, of hardship.
 - E. A plan for landscaping for all open areas, where appropriate, shall be submitted to and approved by the Director.
 - F. Planned development projects developed in phases shall be designed so that each successive phase will contain open space to independently qualify under the provisions of section 22.20.460.B.4 of Title 22, provided, however, that where the Permittee submits development plans indicating to the satisfaction of the Director that the proposed development will provide as well or better for planned unit development consistent with the intent of this section, the Director may approve a division of open space encompassing more than one phase.
 - G. Where a division of open space will encompass more than one phase, the Permittee shall provide the Director a map indicating cumulative allocation and utilization of open space for each successive phase in each subsequent application, as required by sections 22.20.460.B.12 and B.13 of Title 22.
25. The following Development Program (DP) conditions shall apply to the project, except as otherwise specified as part of the development program:
- A. No building or structure of any kind except a temporary structure used only in developing the property according to the development program shall be built, erected, or moved onto any part of the property.

- B. All improvements for the project shall be completed prior to the occupancy of any structures within each phase of development to the satisfaction of the Director.
 - C. Where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.
- 26. Combined retaining wall/fence heights up to eight feet are authorized in the rear yard areas along the northern project boundary adjacent to the Southern California University of Health Sciences campus property.
 - 27. The Permittee shall comply with all conditions of approval for Vesting Tentative Tract Map No. 072216-(4).
 - 28. The Permittee shall provide parking as required by the County Code, calculated at a parking ratio of two covered spaces per dwelling unit (2:1) and one uncovered space per four dwelling units (1:4). The Permittee shall also provide a minimum of one van-accessible parking space adjacent to the community park. Based on these ratios, because the development has 91 dwelling units, the project shall provide no less than 182 covered resident parking spaces and 23 uncovered guest parking spaces. If the Permittee changes the project so as to require less parking than the minimum requirement, the Permittee shall submit an application for a Revised Exhibit "A" within 90 days of such occurrence.
 - 29. If the project substantially changes its mode or character of operation or if the Permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the Permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.
 - 30. Reduced guest parking stall widths of eight feet are authorized throughout the development.